

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:04CR53
	)	
v.	)	
	)	
COREY SPIGNER,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's motion for modification of sentence under 18 § 3582(c)(2) Fair Sentence Act Amendment 750 Retroactivity (Filing No. [83](#)), and motion for appointment of counsel (Filing No. [84](#)). The Court has reviewed defendant's motion for modification of sentence and notes that defendant was sentenced to a statutory mandatory minimum sentence of ten (10) years. Therefore, defendant is not eligible for a sentence modification under the revised crack cocaine guidelines. The Court will also deny defendant's motion for appointment of counsel. Accordingly,

IT IS ORDERED:

1) Defendant's motion for modification of his sentence is denied.

2) Defendant's motion for appointment of counsel is denied.

DATED this 31st day of August, 2011.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court